

16-6a-907 Indemnification of officers, employees, fiduciaries, and agents.

Unless a nonprofit corporation's articles of incorporation provide otherwise:

- (1) to the same extent as a director, an officer of the nonprofit corporation is entitled to:
 - (a) mandatory indemnification under Section 16-6a-903; and
 - (b) apply for court-ordered indemnification under Section 16-6a-905;
- (2) a nonprofit corporation may indemnify and advance expenses to an officer, employee, fiduciary, or agent of the nonprofit corporation to the same extent as to a director; and
- (3) a nonprofit corporation may indemnify and advance expenses to an officer, employee, fiduciary, or agent who is not a director to a greater extent if:
 - (a) not inconsistent with public policy; and
 - (b) provided for by:
 - (i) its articles of incorporation or bylaws;
 - (ii) general or specific action of its board of directors; or
 - (iii) contract.

Amended by Chapter 197, 2002 General Session